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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-65

13 **KRISTIN ANN PRICKETT**

605 Annie Street
14 Fernley, Nevada 89408

A C C U S A T I O N

15 Registered Nurse License No. 587529

Respondent.

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17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
21 Affairs.

22 **License History**

23 2. On or about September 19, 2001, the Board issued Registered Nurse
24 License Number 587529 ("license") to Kristin Ann Prickett ("Respondent"). The license will
25 expire on April 30, 2009, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions ("Code") provides, in
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
2 section 2750) of the Nursing Practice Act.

3 4. Code section 2764, in pertinent part, that the expiration of a license shall
4 not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
5 licensee or to render a decision imposing discipline on the license. Under Code section 2811,
6 subdivision (b), the Board may renew an expired license at any time within eight years after the
7 expiration.

8 5. Code section 118, subdivision (b), provides that the suspension,
9 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to
10 proceed with a disciplinary action during the period within which the license may be renewed,
11 restored, reissued or reinstated.

12 6. Code section 2761 states, in pertinent part:

13 The board may take disciplinary action against a certified or
14 licensed nurse or deny an application for a certificate or license for any of
the following:

15 (a) Unprofessional conduct, which includes, but is not limited
16 to, the following:

17 (4) Denial of licensure, revocation, suspension, restriction, or
18 any other disciplinary action against a health care professional license or
19 certificate by another state or territory of the United States, by any other
government agency, or by another California health care professional
licensing board. A certified copy of the decision or judgment shall be
conclusive evidence of that action.

20 **COST RECOVERY**

21 7. Code section 125.3 provides, in pertinent part, that the Board may request
22 the administrative law judge to direct a licentiate found to have committed a violation or
23 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
24 and enforcement of the case.

25 **CAUSE FOR DISCIPLINE**

26 **(Out-of-State Discipline)**

27 8. Respondent is subject to disciplinary action under Code section 2761,
28 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent was disciplined

1 by the Nevada State Board of Nursing ("Nevada Board"). Effective September 25, 2007, in the
2 action entitled, *In the Matter of Kristin Prickett, Licensed Professional Nurse, Nevada License*
3 *No. RN38397, EMS RN No. EMS000459, Case No. 0907-07C*, Respondent agreed to
4 immediately cease and desist from practicing as a Registered Nurse and Emergency Medical
5 Services Registered Nurse and voluntarily surrendered her licenses to the Nevada Board. A copy
6 of the Voluntary Surrender of License in Lieu of Other Disciplinary Action is attached as **Exhibit**
7 **A**, and is incorporated herein.

8 The circumstances of the voluntary surrender are as follows:

9 a. On April 10, 2007, Respondent had a positive drug test.

10 b. On July 10, 2007, Respondent admitted that while on duty as a
11 registered nurse, she tested positive for Morphine and further admitted to being
12 addicted to alcohol and/or controlled substances.

13 c. On September 5, 2007, Respondent reported to the Board that
14 while on duty as a unit clerk and on with a suspended license and in an out-patient
15 drug treatment, she took Morphine from the facility for her own personal use.

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 587529 issued
5 to Kristin Ann Prickett;

6 2. Ordering Kristin Ann Prickett to pay the Board the reasonable costs of the
7 investigation and enforcement of this case, pursuant to Code section 125.3; and,

8 3. Taking such other and further action as deemed necessary and proper.
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10 DATED: 9/23/08

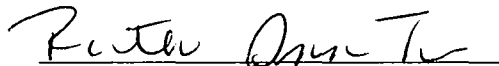
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13 RUTH ANN TERRY, M.P.H., R.N.
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant
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EXHIBIT A

1 **BEFORE THE NEVADA STATE BOARD OF NURSING**

2
3 IN THE MATTER OF

4 KRISTIN PRICKETT

5 LICENSED PROFESSIONAL NURSE

6 NEVADA LICENSE NO. RN38397

7 EMS RN NO. EMS000459

8 RESPONDENT

VOLUNTARY SURRENDER OF
LICENSE IN LIEU OF OTHER
DISCIPLINARY ACTION

CASE NO. 0907-07C

9 I, KRISTIN PRICKETT, wish to voluntarily surrender my Nevada Nursing License. I
10 voluntarily and knowingly admit the following facts:

- 11 1. I am licensed as a Registered Nurse and an Emergency Medical Services Registered
12 Nurse in the State of Nevada and I was licensed at the time of the conduct described
13 herein and am, therefore, subject to the jurisdiction of the Board.
 - 14 2. That on or about May 1, 2007 I reported that I had a positive drug test while on duty
15 as a RN/EMS RN on or about April 20, 2007.
 - 16 3. That on or about July 10, 2007 I signed a Contract for Temporary Voluntary
17 Surrender of License, and admitted while I was employed as a Registered Nurse I had
18 a positive drug test on duty for Morphine, am addicted to alcohol and/or controlled
19 substances, and have voluntarily sought treatment for addiction.
 - 20 4. That on or about September 5, 2007 I reported I had a relapse in opiate use while on a
21 suspended license and in outpatient drug treatment. I reported that while I was
22 working as a unit clerk at a hospital, I stole Morphine from that facility for my own
23 use, and went into inpatient treatment.
 - 24 5. That on or about September 13, 2007 at the Board meeting, the Board accepted the
25 Contract for Temporary Voluntary Surrender that I had signed. At this time, I choose
26 to voluntarily surrender my Nevada nursing license, in lieu of other disciplinary
27 action by the Nevada State Board of Nursing.
- 28

- 1 6. I admit these actions constitute grounds for disciplinary action pursuant to NRS
2 632.320 (5) controlled substances and NAC.632.320 (7) unprofessional conduct,
3 because the conduct violated NAC 632.890 (10) positive drug screen on duty and (18)
4 diversion of drugs.
- 5 7. I am aware of, understand, and have been advised of the effect of this Voluntary
6 Surrender.
- 7 8. I have read this Voluntary Surrender and I fully understand and acknowledge its facts
8 and terms.
- 9 9. I am aware that I have certain constitutional rights, including:
10 a. I have the right to hire an attorney to represent me in this proceeding;
11 b. I have the right to demand a hearing on the charges against me, and I can require
12 the Board staff to prove the allegations;
13 c. I have the right to cross-examine the witnesses against me;
14 d. I have the right to call witnesses to provide evidence in my own behalf;
15 e. I have other rights accorded to me under Nevada Revised Statutes Chapters 233B,
16 and 632. Also, I have rights accorded to me under Nevada Administrative Code
17 Chapter 632.
- 18 10. I am aware of the foregoing rights, and I voluntarily, knowingly, and intelligently
19 waive these rights in return for the Board accepting my voluntary surrender of my
20 Nevada nursing license in lieu of other disciplinary action.
- 21 11. I understand this Voluntary Surrender is considered a disciplinary action and as such
22 will become part of my permanent record.
- 23 12. I understand this Voluntary Surrender is considered public information.
- 24 13. I understand this Voluntary Surrender is considered a disciplinary action and will be
25 reported to any national repository, which records disciplinary action taken against
26 licensees or certificate holders, or any agency or another state, which regulates the
27 practice of nursing.

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1 14. I understand this Voluntary Surrender may be used in any subsequent hearings by the
2 Board as evidence against me to establish a pattern of behavior and for the purpose of
3 proving additional acts of misconduct.

4 15. This Voluntary Surrender shall not be construed as excluding or reducing any
5 criminal or civil penalties or sanction or other remedies that may be applicable under
6 federal, state or local laws.

7 16. I understand that this surrender is effective the day it is accepted by the Nevada State
8 Board of Nursing, or may be effective pursuant to NRS 632.400 (2), however I agree
9 to immediately cease and desist from practicing as a Registered Nurse and an
10 Emergency Medical Services Registered Nurse, and I am returning my licenses with
11 this signed Voluntary Surrender of License In Lieu of Other Disciplinary Action.

12 I, KRISTIN PRICKETT, by my signature affixed below, agree with the foregoing facts
13 and representations and therefore choose to voluntarily surrender my Nevada nursing licenses.

14 Dated this 25 day of Sept., 2007

15 *Kristin D. Prickett*
Notarized by Kathleen Reynolds

RESPONDENT
KRISTIN PRICKETT

16 State of Nevada

17 County of _____

18 This instrument was acknowledged before me on 9-25-07, 2007, by Chris Sancom 9/25/07

19 _____
20 Notary Public

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23 Accepted and approved this 8th day of November, 2007.

24 NEVADA STATE BOARD OF NURSING

25
26 By: *Helen Vos*

Helen Vos, MS, RN
Board President